IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO 767 of 2002
with
CIVIL APPLICATION NO 7045 of 2002
in
SPECIAL CIVIL APPILCATION NO 3601 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

BAKULKUMAR M SHAH

Appearance:
1. LETTERS PATENT APPEAL No. 767/02 with CA 7045/02
MR MA BUKHARI, A.G.P. for Appellant No.
MR KISHOR M PAUL for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE A.L.DAVE

Date of decision: 16/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. Admit.

Learned Counsel Shri Paul for the respondent waives service of Notice of admission. At the joint request and by consent of the learned Counsel for the parties, this Appeal is finally heard and disposed of today.

2. The Appellant - State of Gujarat has challenged in this Appeal the order dated 15.4.2002 passed by the learned Single Judge of this Court (Coram : R.M.Doshit,J.) in Special Civil Application No.3601 of 2002 whereby the learned Single Judge dismissed the writ petition. We would like to reproduce the said order, which is as under :

"No interference is warranted. Hence rejected."

3. It is true that at the stage of admission the learned Single Judge is not supposed to assign detailed reasons, but at least brief reasons are required. From the order reproduced hereinabove by us, it is clear that after hearing the learned Counsel for the parties the learned Single Judge of this Court dismissed the writ petition with one line that "no interference is warranted. Hence rejected."

4. There are number of contentions raised in the main writ petition as well as in this Appeal. One of them which is going to the root of the matter is regarding jurisdiction. The short question is whether the respondent workman working in the Irrigation Department would be entitled to approach the Labour Court or not and the Labour Court would have jurisdiction or not.

5. Under the circumstances, we are fully convinced that the learned Single Judge has committed an error in dismissing the writ petition with one line order that "No interference is warranted. hence, rejected."

6. In view of the above, Shri Paul, appearing for the respondent - workman, also requested that without going into the merits or demerits of the case, the order passed by the learned Single Judge, dismissing the writ petition filed by the appellant - petitioner, be set aside and the matter be remanded to the learned Single Judge for disposal of the main writ petition in accordance with law.

7. Accordingly, this Appeal is allowed and the order dated 15.4.2002 passed by the learned Single Judge in Special Civil Application No.3601 of 2002, is quashed and

set aside. The matter is now remanded to the learned Single Judge with a request to hear and decide it in accordance with law by assigning, at least, brief reasons. No order as to costs.

Civil Application No.7045 of 2002 is disposed of as the main Appeal is disposed of. No order as to costs.

(B.J.Shethna, J.)

Date : April 16, 2003

(A. L. Dave, J.)

sas